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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,096	08/31/2005	Robert A Levine	186253/US-475387-00112	8398

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EXAMINER

JOHNSON III, HENRY M

ART UNIT	PAPER NUMBER
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3739

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
31 DAYS	01/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group A, claim(s) 1-40, drawn to apparatus and method for cutting heart chords.

Group B, claim(s) 41-55, drawn to apparatus and method for elongating heart chords.

The inventions listed as Groups A and B do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the elongating means is not required for Group A.

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Species 1, embodiment 1, catheter with blade cutting means.

Species 2, embodiment 2, catheter with laser cutting means.

Species 3, embodiment 3, catheter with radiofrequency cutting means.

Species 4, embodiment 4, catheter with curved end.

Species 5, embodiment 5, catheter with steering means (Fig. 7B).

Species 6, embodiment 6, catheter with extendable cutter.

Species 7, embodiment 7, catheter with notched end.

Species 8, embodiment 8, catheter with grasping means.

Species 9, embodiment 9, catheter with jaws at end (Fig. 5).

Species 10, embodiment 10, catheter with pincers at end (Fig. 6).

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Species 11, embodiment 11, catheter with introducer (Fig. 7A).

Species 12, embodiment 12, method for cutting chord attaching an atrioventricular leaflet to an internal cardiac muscle.

Species 13, embodiment 13, catheter with means for elongating chord (Fig. 9).

Species 14, embodiment 14, method for elongating chord attaching an atrioventricular leaflet to an internal cardiac muscle.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The claims are deemed to correspond to the species listed above in the following manner:

Species 1 – claims 1 and 2.
Species 2 – claims 1 and 3.
Species 3 – claims 1 and 4.
Species 4 – claims 1 and 5
Species 5 – claims 1 and 6-7.
Species 6 – claims 1 and 8.
Species 7 – claims 1 and 9-10.
Species 8 – claims 1 and 11-14.
Species 9 – claims 1 and 15.
Species 10 – claims 1 and 16.
Species 11 – claims 1 and 17-25.
Species 13 – claims 41-46.
Species 12 – claims 26-40.
Species 14 – claim 47-55.

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The following claim(s) are generic: claim 1 to species 1-11.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: steerable catheters with cutting capability are well known as evidenced by U.S. Patent 6,030,380 to Auth et al., thus rendering it non novel.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

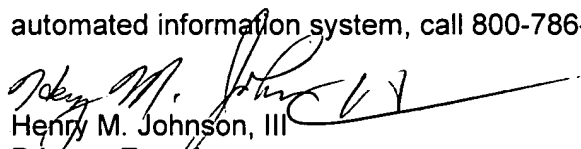
Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry M. Johnson, III whose telephone number is (571) 272-4768. The examiner can normally be reached on Monday through Friday from 6:00 AM to 3:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Henry M. Johnson, III
Primary Examiner
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